

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE 385' E of Woodland Rd. S/S of Broadway Road 1407 Broadway Road 8th Election District 3rd Councilmanic District Charles E. Burnham, et ux Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-527-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-126(b)(1) of the Baltimore County Code and Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the

requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of July, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent the relief granted herein:

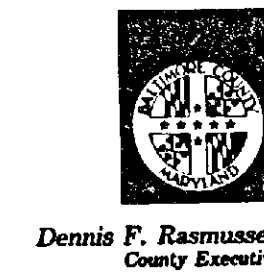
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
encl.
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 16, 1990



Mr. and Mrs. Charles E. Burnham
1407 Broadway Road
Lutherville, Maryland 21093

RE: Petition for Residential Zoning Variance
Case No. 90-527-A

Dear Mr. and Mrs. Burnham:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE
90-527-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 To allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty): That Petitioner currently has located on his property a pool which based on the road/access alignment is located in the rear yard, and that Petitioner's access to his property will change based upon development of the adjacent Chestnut Ridge Country Club property such that the said accessory structure will be construed to be in the side yard. That Petitioner has a heart problem and that use of the pool is therapeutic for that condition. SUGGESTION: BACK ALLEY.

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, with filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)
(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney for Petitioner(s)
(Type or Print Name)
Signature
Address
Attorney's telephone number

Legal Owner(s)
(Type or Print Name)
Signature
Address
City/State/Zip Code
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of May, 1990, that the subject matter of this petition be posted on the property on or before the 13th day of June, 1990.

J. Robert Haines
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the day of , 19, at o'clock, .

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
OTHER
FILED BY: SCS DATE 5-21-90

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

MARCH 23, 1990

DESCRIPTION FOR POOL VARIANCE

BEGINNING for the same at a point distant the two (2) following courses and distances measured from the intersection formed by the center lines of Woodland Drive and Broadway Road 1) easterly 385' from Woodland Drive along Broadway Road, 2) S 02° 48' 07" E 305' ± to the place of beginning, thence the six (6) following courses and distances viz, S 02° 48' 07" E 366.05 feet, N 86° 24' 28" W 208.61 feet, N 02° 49' 07" W 462.70 feet, N 87° 11' 58" E 81.56 feet, N 02° 48' 07" W 80.11 feet, N 87° 11' 53" E 125.89 feet to the PLACE OF BEGINNING containing 2.4892 acres of land more or less.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th
Date of Posting June 7-90
Posted for: Residential Variance
Petitioner: Charles E. Burnham, et ux
Location of property: 385' E of Woodland Rd., S/S of Broadway Road (1407 Broadway Road)
Location of Signs: South side of Broadway Road at entrance to subject property
Remarks: A.D. Burt
Number of Signs: 2
Date of return: June 15-90

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2549

Date 5/20/90
PROJECT BEGINNING FEE \$0.00
ZONING VARIANCE FEE \$25.00
ZONING VARIANCE ADVERTISING FEE \$25.00
TOTAL \$50.00
LAST NAME OF OWNER: BURNHAM

B 8135*****60101a 2228F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 18, 1990

Mr. & Mrs. Charles E. Burnham
1407 Broadway Road
Lutherville, MD 21093



RE: Item No. 411, Case No. 90-527-A
Petitioner: Charles E. Burnham, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Burnham:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

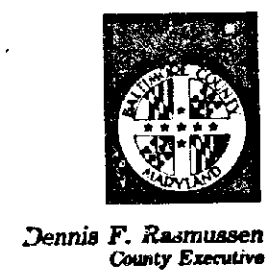
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JILLIE MINARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 21th day of May, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Charles E. Burnham, et ux
Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

June 6, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

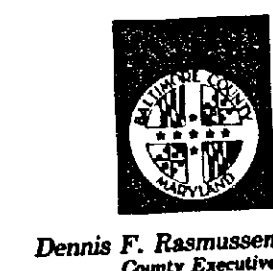
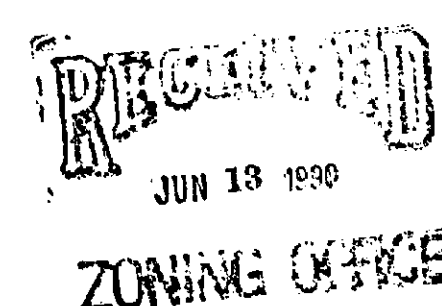
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 395, 395, 408, 409, 410, 411, 412, 413, 414, 416, 417, 418, and 421.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lvw



Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JUNE 5, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

RE: Property Owner: CHARLES E. BURNHAM
Location: #1407 BROADWAY ROAD
Item No.: 411 Zoning Agenda: JUNE 12, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. Site Plans are approved, as drawn.

REVIEWER: *Ch. L. Kelly 6-5-90* Noted and Approved *Ch. W. Brady 6-5-90*
Planning Group Fire Prevention Bureau
Special Inspection Division

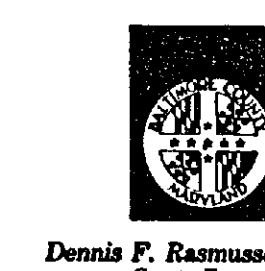
JK/KEK

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 29, 1990

Mr. & Mrs. Charles E. Burnham
1407 Broadway Road
Lutherville, Maryland 21093



Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 90-527-A
ITEM NUMBER: 411
LOCATION: 1407 Broadway Road

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number.

Your property will be posted on or before June 13, 1990. After the closing date (June 28, 1990) for filing a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

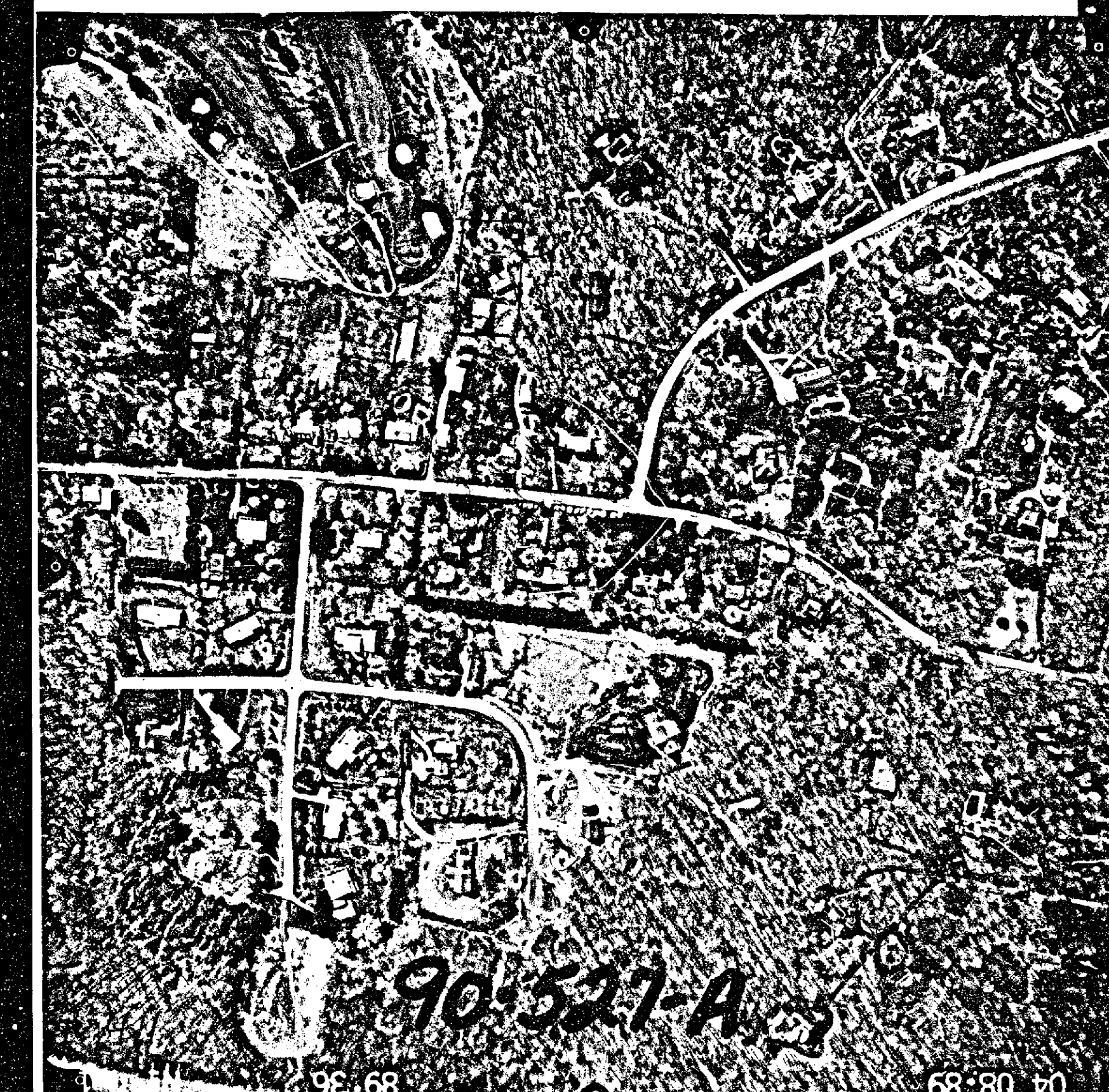
1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice.

OR

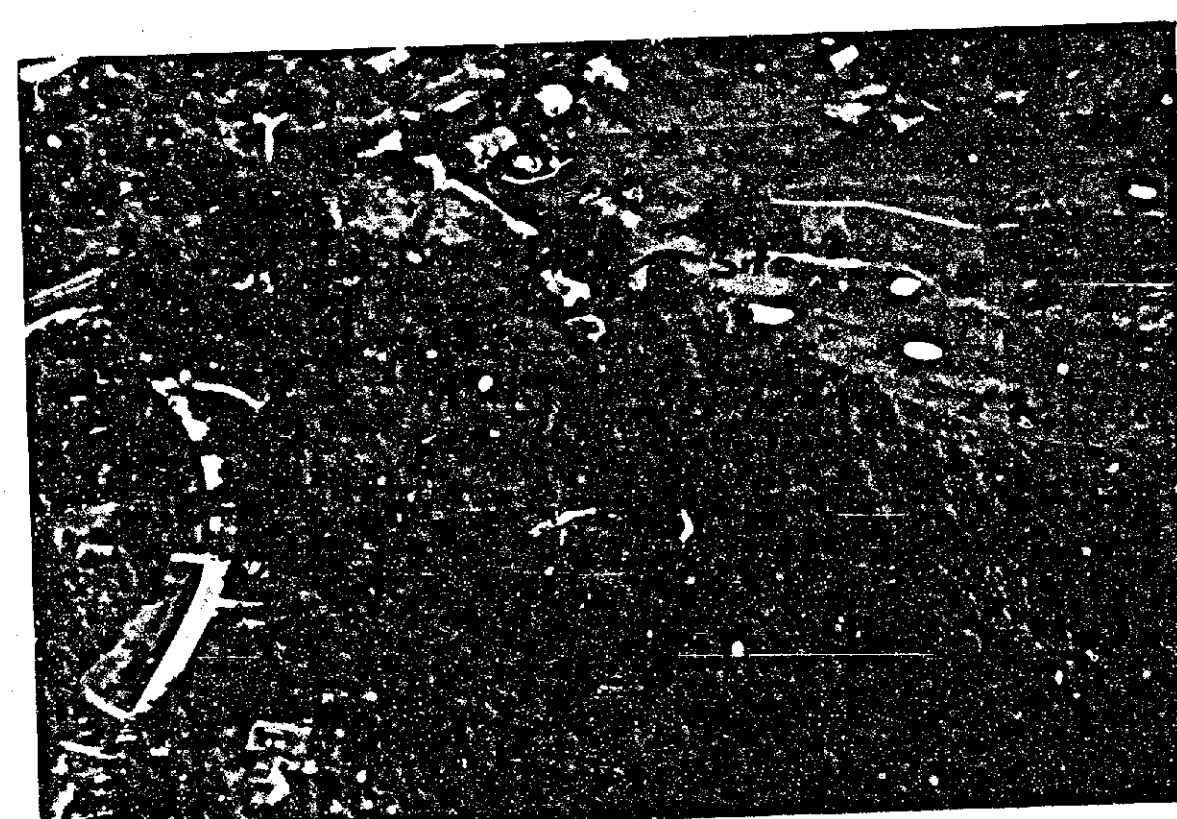
2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

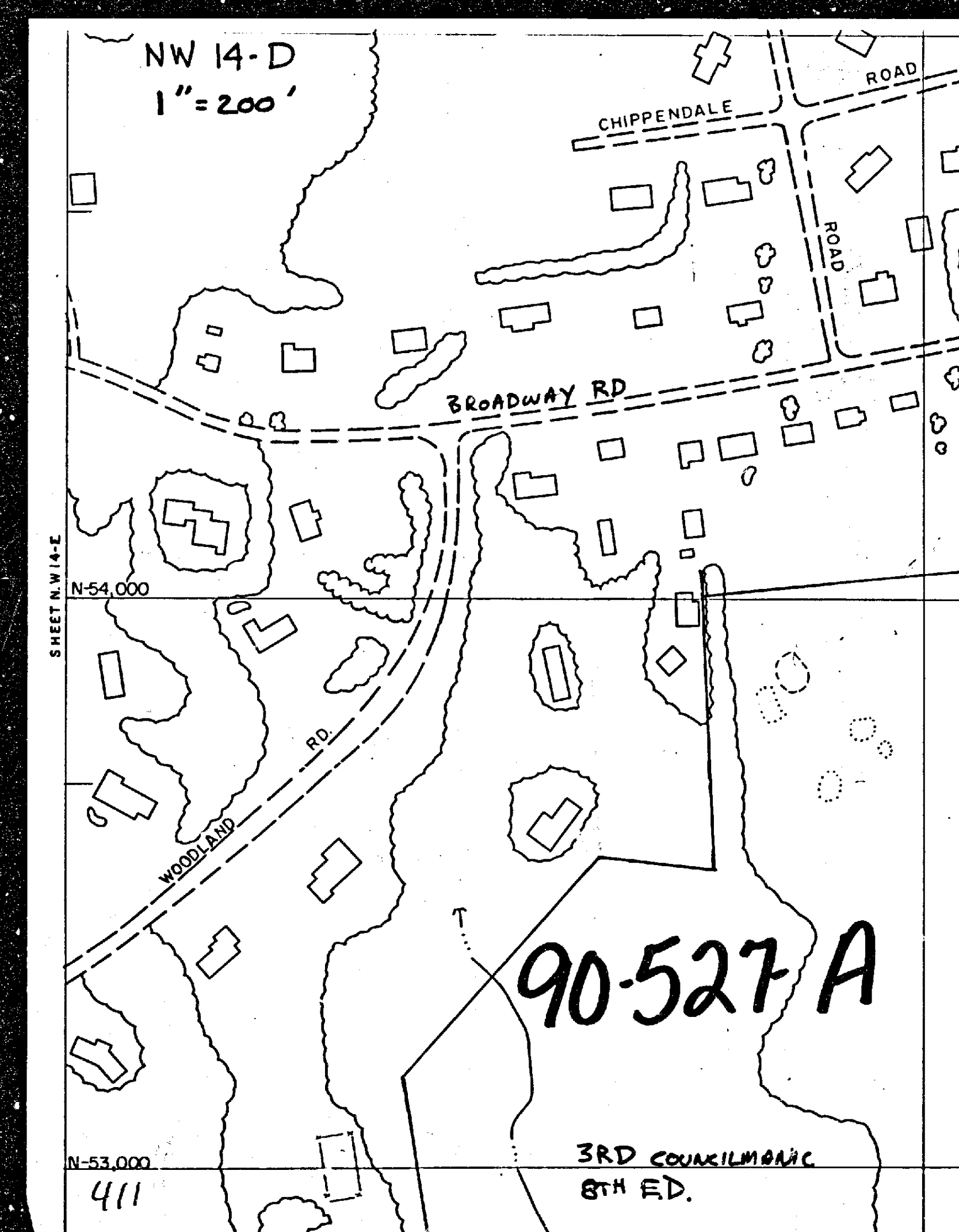
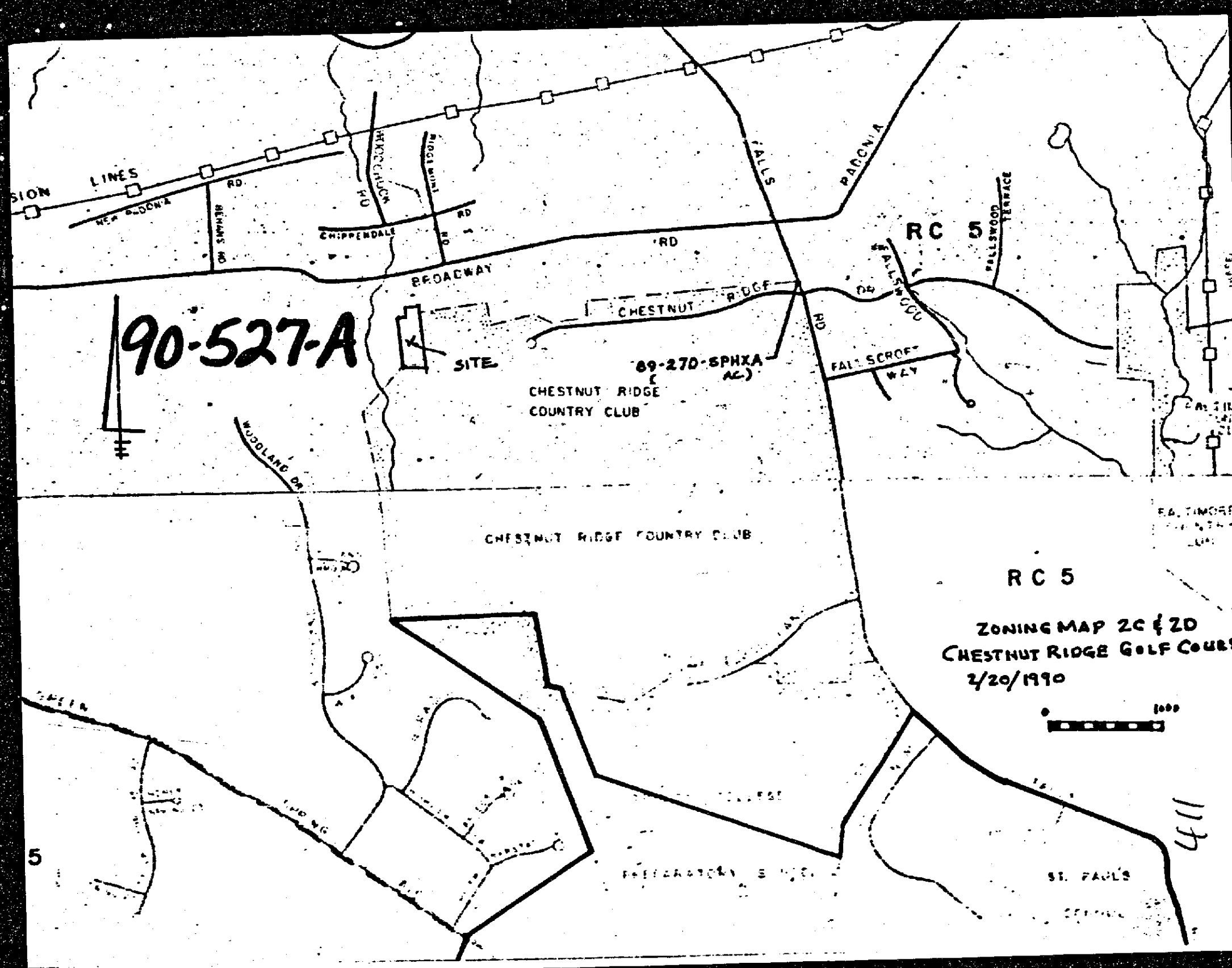
G. G. Stephens
G. G. Stephens
(301) 887-3391

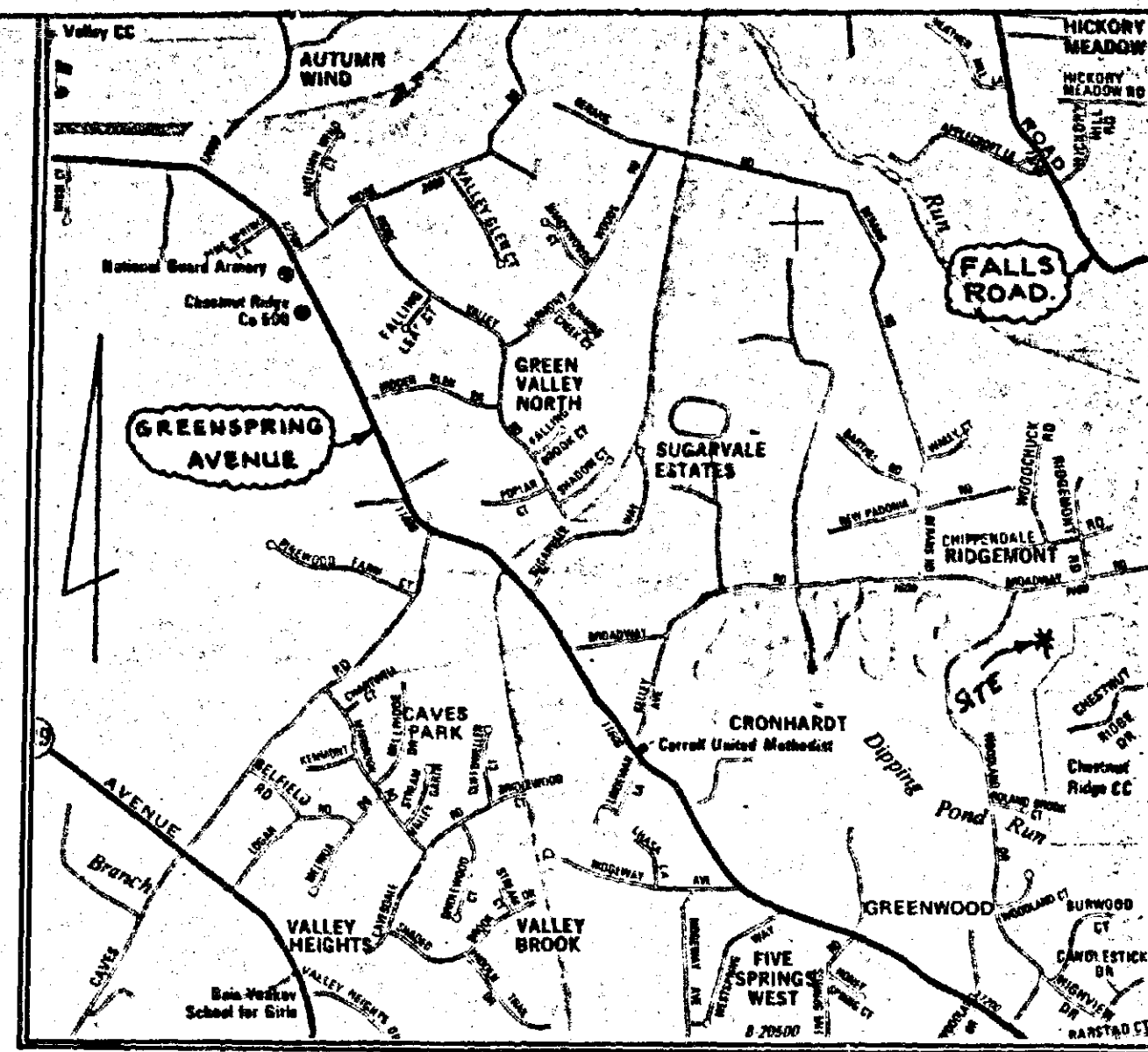


Petitioner's Exhibit 2



Petitioner's Exhibit 3





TO BE PART OF, "CHESTNUT RIDGE
ESTATES ON THE GREEN"
SUBDIVISION.

90-527-A

Petitioner's
Exhibit 1

M. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

